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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,159	09/04/2001	Norbert Korenjak	P 283120 RP-00191-US8	9085
909	7590	12/02/2003	EXAMINER	
PILLSBURY WINTHROP, LLP			CHARLES, MARCUS	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			3682	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/944,159

**Applicant(s)**

KORENJAK ET AL.

**Examiner**

Marcus Charles

**Art Unit**

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-18 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-9,18 and 20-32 is/are allowed.
- 6) ☒ Claim(s) 10,11 and 13-17 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7-8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to the amendment filed 10-14-2003, which has been entered.

Claims 1, 2-18 and 20-32 are currently pending.

#### ***Drawings***

1. The draftsman has approved the drawing filed with this application as formal drawing.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the outer half comprises at least one ridge section" and "the at least one ridge section comprises three ribbed sections" as in claim 11-12, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-11, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Martin (4,998,905). Johnson et al. discloses

a drive pulley for a CVT comprising a shaft (12), an inner half (26) having an belt engaging surface (28) rotatable disposed on the shaft, an outer half with a belt engaging surface rotatable disposed on the shaft, a spring (30) biasing the inner half and the outer half from one another, a connector (66) disposed between and coupling the inner and outer halves. Johnson et al. does not disclose both of the pulley halves can transmit torque to the shaft. Martin discloses a variable pulley comprising a connecting member (22) between the pulley halves (14, 16) such that both pulley halves can transmit torque to the shaft in order to prevent belt slippage and friction between the belt and at least one pulley and to balance the torque. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the variable pulley of Johnson et al. so that both pulleys may provide torque to the shaft in view of Martin in order to prevent belt slippage and friction between the belt and at least one pulley and to balance the torque.

In claim 11, note the connector (66) has a one ribbed connection (36) and non-ribbed section and the inner half has at least one ridge to engaged the ribbed of the connector (see fig. 4).

In claim 13, note the toothed wheel (16) fixedly connected to the shaft and a guide member (70) with a projection (74) connected to the toothed wheel.

In claims 17, note the ramps having slopes (72) on the guide member (70).

5. Claims 14-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Martin. Johnson et al. does not disclose the material of the guide member. It is well known in the art that synthetic, fiberglass and carbon fiber are

lightweight materials. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the guide member of Johnson et al. such that it comprises one of a synthetic material, fiber glass and carbon fiber in order to reduce the weight of the guide member. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious designed choice. In re Ileshin 125 USPQ 416.

***Allowable Subject Matter***

6. Claims 1, 3-9, 18 and 20-32 are allowed.
7. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***


8. Applicant's arguments with respect to claims 10-11 and 13-17 have been considered but are moot in view of the new ground(s) of rejection.
9. Applicant's arguments filed 10-14-2003 regarding objection to the drawing, have been fully considered but they are not persuasive. Applicant contended that the features recited in claims 11 and 12 are illustrated in figs. 19 and 29. It should be noted that nowhere in figs. 19 and 29 is the outer half (330) shown with at least one ridge that is adapted to engage with at least one ribbed portion of the connector. Figs. 19 and 30 show the ridge portions only to the inner half. Regarding paragraph [00183] of the specification, the drawing only shows the indentation of the inner half. In addition, in order for the connection member to couple both the inner and outer halves, the

connection portion of the outer half must be different from that of the inner half. That is one must have internal ridges and the other external ridges. Therefore, the objection to the drawing is proper.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
November, 29-2003